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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/542,285      | 07/15/2005  | Sint Baron           | NL 030057           | 5283             |

24737 7590 05/21/2008  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

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| EXAMINER |
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LANDRUM, EDWARD F

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| ART UNIT | PAPER NUMBER |
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3724

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| MAIL DATE | DELIVERY MODE |
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05/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/542,285 | <b>Applicant(s)</b><br>BARON ET AL. |  |
|                              | <b>Examiner</b><br>Edward F. Landrum | <b>Art Unit</b><br>3724             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 5,6,9 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,10,11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2005 and 09 May 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 5, 6, 9, and 12 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/14/2008.

Applicant's election with traverse of Species A in the reply filed on 4/14/2008 is acknowledged. The traversal is on the ground(s) that there would not be undue burden. This is not found persuasive because both species require separate searches and have separate special technical features. Therefore each species has a separate status in the art due to their recognized divergent subject matter.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. The amendment filed 5/9/2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Figure 6 is new matter as a shaving head could take on an unlimited number of forms or amount of shaving heads than the one, and applicant's original disclosure has not provided enough structure to limit the number of shaving heads being more than three to this form.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the number of shaving heads being more than three must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 10, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooksey (U.S Patent No. 3,314,146).

Regarding claim 1, Cooksey teaches (see Figures 1-6) a shaving apparatus comprising a housing (square portion of body holding the motor 10 as seen in Figure 2); a plurality of shaving heads, each comprising a circular shear plate (30) provided with apertures (34); a rotatable cutting member (33) rotates relative to the shear plate (30). A shear plate holder (tapered portion of body holding gears 16-18 and 23 as seen in Figure 2) is mounted to the housing and holds the plurality of shear plates. A motor (10) provides power to the blades through a drive structure. The drive structure comprises a plurality of drive units (see Figure 5) that each extend from a drive rim (39) and end at a coupling end (the base of gear 36). The axes of rotation for each drive rim (39) are oriented at various angles relative to each other (see Figure 1) and diverge from each other in a direction from the drive rim (39) to the coupling end.

Regarding claim 2, Cooksey teaches (see Figure 1) the axes of rotation between each drive rim (39) is at least 3 degrees.

Regarding claim 3, a central gear wheel (16) engages the drive rims. The central gear wheel (16) is rotatable around an axis of rotation that extends between the axes of rotation of the drive rims.

Regarding claim 4, Cooksey teaches (see Figures 1 and 5) a shear plate holder (tapered portion of body holding gears 16-18 and 23 as seen in Figure 2) for holding the

shear plates. The elements are can tilt relative to each other and extend at angles relative to each other.

Regarding claims 7 and 14, Cooksey teaches (see Figures 1 and 2) the shaving apparatus comprising four shaving heads.

Regarding claim 10, Cooksey teaches (see Figure 1) the axes of rotation between each drive rim (39) is at least 3 degrees.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, and 8, 10, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooksey.

Cooksey teaches all of the elements of the current invention as stated above except the angle between the axes of rotation of the drive rims being at least 3 degrees, more specifically between 8 and 10 degrees. Cooksey further fails to teach the axis of rotation of the central gear extending at a same angle with respect to the axes of rotation of the drive rims.

The examiner takes official notice that because the Cooksey is inherently capable of making the drive rims diverge at an angle of 3 degrees, more specifically between 8 and 10 degrees, that it would have been an obvious matter of design choice for a user to place the drive rims at these specific angles relative to each other during

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shaving, since applicant has not disclosed that having the drive rims' axes of rotation extend at these specific angles relative to each other solves any stated problem or is for any particular purpose and it appears that the shaver would perform equally well with the drive rims being angled at any angle that allows for an increased amount of surface area to be cut at once.

The examiner takes official notice that because Cooksey is inherently capable of having the axis of rotation of the central gear extend at a same angle with respect to the axes of rotation of the drive rims, that is would have been an obvious design choice for a user to place the drive rims at equal angles relative to the central gear, since applicant has not disclosed that having the central gear axis of rotation extend at the same angle with respect to the axes of rotation of the drive rims solves any stated problem or is for any particular purpose and it appears that the shaver would perform equally well with the axes of the drive rims being any at any angle with respect to the axis of rotation of the central gear.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-4, 7, 8, 10, 11, 13, and 14 have been considered but are moot in view of the new ground(s) of rejection.

Cooksey teaches a shear plate holder, and a central gear wheel. The scope of claim 3 has changed because applicant has amended dependent claims to depend from claim 3 instead of claim 1.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bijl et al (U.S Patent No. 4,257,161), Park (U.S Patent No. 5,129,275), Labrijn (U.S Patent No. 4,910,869), Yonkers (U.S Patent No. 3,844,033), and Herrick et al (U.S Patent No. 4,077,120) teach drive shafts which can pivot relative to the drive gears. Visman et al (U.S Patent No. 6,722,038) teach triangular coupling ends.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. F. L./

Examiner, Art Unit 3724

5/16/2008

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724